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Attorney Docket Nos.: 231349US33
234067US33

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

UGO NETWORKS, INC.,)	Opposition No. 91/153,578
)	Serial No. 76/074,595
)	Mark: KANJI CHARACTER Design
Opposer,)	Opposition No. 91/154,657
)	Serial No. 76/075,729
v.)	Mark: KANJI CHARACTER Design
KONAMI CORPORATION,)	
)	
Applicant.)	



03-19-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #77

**STIPULATED MOTION TO CONSOLIDATE PURSUANT
TO FED. R. CIV. P. 42 AND 37 C.F.R. § 2.127;
AND STIPULATED MOTION FOR THE RESETTING
OF DISCOVERY AND TESTIMONY PERIODS**

Serial No. 76/074,595 Opposition No. 91/153,578
Serial No. 76/075,729 Opposition No. 91/154,657

Applicant, KONAMI CORPORATION, and Opposer, UGO NETWORKS, INC. by and
through their undersigned attorneys of record, hereby jointly move the Board for:

TRADEMARK TRIAL AND
APPEAL BOARD
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(1) Consolidation of the following two opposition proceedings:

Serial No. 76/074,595 Opposition No. 91/153,578
Serial No. 76/075,729 Opposition No. 91/154,657

(2) Re-setting of the discovery and testimony periods, with discovery closing on September 30, 2003 in the consolidated proceeding, and so that the parties can complete written discovery and depositions in an orderly fashion;

(3) an Order resetting the testimony dates as set forth below.

The parties respectfully submit that all requirements for consolidation of these two opposition proceedings, as required by Fed. R. Civ. P. 42, are met. The Opposer, UGO NETWORKS, INC., and the Applicant, KONAMI CORPORATION, are the same in both cases. Applicant has filed applications to register marks consisting of KANJI characters which transliterate to YU-GI-OH, which means "King of the Game." In each proceeding, Opposer has opposed the application on the alleged grounds that the mark is likely to cause confusion with Opposer's UGO marks, which is an initialism for the words Underground Online. There are common questions of law and fact in both proceedings. *World Hockey Ass'n v. Tudor Metal Products Corp.*, 185 USPQ 246, 248 (TTAB 1975); TBMP § 511.

This motion is timely. The Parties submit this stipulated motion while discovery is open in both proceedings and long before the testimony period in either proceeding has opened. Both oppositions are at a similar stage and consolidation is warranted. 5 Moore's Fed. Prac. & Proc. 4(e)(2)(6) (citing *Shooter's Island Shipyard Co. V. Standard Shipbuilding Corp.*, 4 F2d 101 (3rd Cir. 1925)).

The parties submit that consolidation will be economical and efficient; will expedite resolution of both proceedings; will eliminate duplicative discovery and depositions; will avoid

unnecessary costs and delay; and will prevent the possibility of inconsistent results. Consolidation will conserve the time and resources of the Board as well as the parties and their counsel.

The Board routinely consolidates proceedings involving similar marks to avoid duplication of effort, loss of time, and the extra expense involved in conducting the proceedings separately. *World Hockey Ass'n*, 185 USPQ at 248.

The parties stipulate that they will not be hampered nor prejudiced in their discovery efforts since consolidation does not change the rights of either party. Rather, the issues will still be individually adjudicated for each of Applicant's pending marks.

Conclusion

For the foregoing reasons, the Parties respectfully submit that consolidation is efficient and proper for these two related proceedings. Therefore, the Parties jointly request that the Board:

- (1) Grant this Motion and consolidate the two referenced opposition proceedings; and

(2) Reset the discovery and testimony periods in the consolidated proceeding as follows:

Discovery period to close: September 30, 2003

30-day testimony period for party
in position of plaintiff to close: November 29, 2003

30-day testimony period for party
in position of defendant to close: January 28, 2004

15-day rebuttal testimony period
for plaintiff to close March 14, 2004

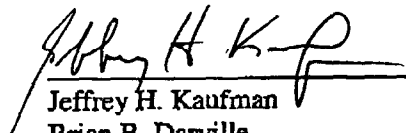
Respectfully submitted,

Respectfully submitted,


KONAMI CORPORATION

UGO NETWORKS, INC.

By:


Jeffrey H. Kaufman
Brian B. Darville
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
1940 Duke Street
Alexandria, VA 22314
(703) 413-3000
Fax: (703) 413-2220

By:


William M. Ried
Natasha Snitkovsky
WILLKIE FARR & GALLAGHER
787 Seventh Avenue
New York, NY 10019
(212) 728-8000
Fax: (212) 728-8111

Attorneys for Applicant

Attorneys for Applicant

Dated: March 19, 2003

Dated: March 17, 2003

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **STIPULATED MOTION TO CONSOLIDATE PURSUANT TO F.R.C.P. RULE 42 and 37 C.F.R. § 2.127, and STIPULATED MOTION FOR THE RESETTING OF DISCOVERY AND TESTIMONY PERIODS** was sent via First Class mail, postage prepaid, this 14th day of March, 2003, to counsel for Opposer:

William M. Ried, Esquire
WILLKIE FARR & GALLAGHER
787 Seventh Avenue
New York, NY 10019

Pamela L. Korman